

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

v.

KASAN CONSTRUCTION CORP.,

Respondent.

CASE NO. OSH 2007-4

ORDER NO. 236

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by the Hawaii Labor Relations Board ("Board") on March 6, 2007, and attended by Leo B. Young, Deputy Attorney General, for Complainant, and Charles W. Lee, Owner, for Respondent, IT IS HEREBY ORDERED THAT:


1. The issues to be determined at trial are as follows:
 - A. Whether Respondent is an "Employer" for purposes of the Citation issues pursuant to Inspection No. 310386560. In its "Response on Citation" dated January 29, 2007, Respondent asserted that it was "only coordinating and supervising the construction for the owner. All the workers are under the control of the man and his company as below"; Respondent then listed the Z & Y Company.
 - B. If Respondent is found to have been an "Employer" for purposes of the Citation, then whether Respondent violated 29 CFR § 1926.501(b)(13) by failing to have a fall protection system; and, if yes, whether the "Serious" characterization and the \$1,500.00 penalty are proper.
2. The deadline for the parties' final naming of witnesses is April 16, 2007. Each party shall provide a list of the names of witnesses it plans to call at trial, along with the witnesses' addresses, to the other party and to the Board by this date.


3. The discovery cutoff date is May 7, 2007. All other discovery, including depositions and document requests, must be completed by this date.
4. Trial in this matter is scheduled for June 4, 2007 at 9:30 a.m., or as soon thereafter as this case can be heard, in the Board's hearing room located at Room 434, 830 Punchbowl Street, Honolulu, Hawaii, 96813. The trial will continue from day-to-day until completed.
5. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, March 7, 2007.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


EMORY J. SPRINGER, Member


SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

Leo B. Young, Deputy Attorney General
Charles W. Lee, Owner